

MuckRock News  
DEPT MR 67871  
411A Highland Ave  
Somerville, MA 02144-2516  
67871-65603568@requests.muckrock.com

## Washington Public Records Act APPEAL

Kitsap County Human Resources  
Washington Public Records Act Appeal  
614 Division St. MS - 23A  
Port Orchard, WA 98366



February 27, 2019

This is a follow up to a previous request:

Hello Mr. Brockman,

Thank you for the portions of the request which were fulfilled. Respectfully, I appeal the decision to redact the portions: "job applications"

The Washington State law says that only exempt portions should be redacted and I have received completely whited out pages.

(a) Redactions. If a portion of a record is exempt from disclosure, but the remainder is not, an agency generally is required to redact (black out) the exempt portion and then provide the remainder. RCW 42.56.210(1). There are a few exceptions.<sup>6</sup> Withholding an entire record where only a portion of it is exempt violates the act.<sup>7</sup>

Other Information. The extent to which information about employees can be considered to be private and of no legitimate concern to the public has not been fully defined but has been addressed as applying to intimate details of personal life that a person "does not expose to the public eye, but keeps entirely to himself or at most reveals only to his family or close personal friends." *Bellevue John Does 1-11 v. Bellevue Sch. Dist.* (2008). The discussion of "invasion of privacy" is in Chapter 2.1B. Information that could be protected includes health information, marital status, disability, and reasonable accommodations.

#### 4. Public Employees' Home Information and Identification: RCW 42.56.250(3) and (8)

For public employees, volunteers, and individual home health care workers, this section exempts their home addresses and telephone numbers, personal cell phone numbers and email addresses, social security and driver's licenses or state identicard numbers, and emergency contact information.

For employees of criminal justice agencies, their photographs and month and year of birth are also exempt, except if requested by the news media. This section is intended to protect these employees from the offender population, as shown by the exclusion from the definition of news media of persons held in custody of these agencies.

#### B. No Stand-Alone "Privacy" Exemption

The PRA does not have a stand-alone "privacy" exemption. The PRA has a description of when privacy is invaded, described at RCW 42.56.050, but that statute is not an exemption. RCW 42.56.050 expressly states that it does not, by itself, "create any right of privacy beyond those rights that are specified in this

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chapter as express exemptions from the public's right to inspect, examine, or copy public records." RCW 42.56.050 also explains that, when an exemption within the PRA protects "privacy," it allows withholding only if disclosure: (1) would be highly offensive to a reasonable person, and (2) is not of legitimate concern to the public. This two-part test requires proof of both elements. *King County v. Sheehan* (2002)

The subjects named in the sought records are government/public employees and their qualifications for their positions and previous work experience which qualified them for their positions and educational backgrounds are not reasonably private as it is not highly offensive to a reasonable person and it is of public interest.

I request reconsideration of the redacted portions of the documents to disclose the qualifications, education or training presented by the government employees on their applications for employment which qualified them for their positions. The requested information is not what an employee "does not expose to the public eye, but keeps entirely to himself or at most reveals only to his family or close personal friends.

Very truly,  
P. Allen

Filed via MuckRock.com  
E-mail (Preferred): 67871-65603568@requests.muckrock.com

For mailed responses, please address (see note):

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PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

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On Feb. 21, 2019:  
Hi,

Thanks so much for your help with this request! I really appreciate it.

Sincerely,  
Penny Allen

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On Feb. 20, 2019:

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Ms. Allen,

In regards to your public disclosure request of January 22, 2019 for:

"Pursuant to the Freedom of Information Act, I hereby request the following records:

Date of hire, job descriptions, and qualifications of the following employees whether current or former:

Charles W. Stevenson  
Saeed Saber

The requested documents will be made available to the general public, and this request is not being made for commercial purposes."

The dates of hire and separation for the two individuals are:

- \* Stevenson, Charles Date of Hire: 03/01/2016 - Separation Date: 07/01/2018
- \* Saber, Saeed Date of 07/08/1996 - Currently Employed

Attached please find records responsive to your request. The required qualifications for each job is included in the provided job descriptions.

To the extent that the employee application would provide their qualifications we have provided those applications, however, per RCW 42.56.250(2) employment and licensing information of applicants for public employment are exempt from disclosure. Therefor there are white boxes (redactions) on various pages of the responsive documents being provided. A white box may be small or large depending on the amount of information redacted. There may also be multiple redactions on one page. On the page or within the redaction itself, there may be one or more reference codes [e.g. 2A, 2B, ..]. Each code identifies the statutory exemption(s) applicable to the redacted information. If there is only one reference code identified on the page, but numerous redactions, that one statutory exemption applies to all of the redactions on that page. Otherwise, the reference code printed within the redaction designates the exemption for that redaction. The Exemption Code key identifies the statutory basis for the exemption as well as provides brief explanation for why the exemption applies to the redacted information. When reviewing the responsive documents provided, please refer to the Exemption Code Key to identify the exemption and its applicability. We have attempted to apply consistent redactions on document that contain the same information. The disclosure of information in the records being produced does not in any way constitute a waiver of attorney-client and/or work product privileges.

This is our final definitive response and we are closing our file.

If you have any questions, concerns or if we can assist with any future public disclosure requests please feel free to contact our office at any time.

Sincerely,

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Mark J. Brockman

Mark J. Brockman  
Public Records Coordinator  
614 Division St. MS-7  
Port Orchard, WA 98366

360-307-4261

mbrockman@co.kitsap.wa.us

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On Feb. 20, 2019:  
Good Morning,

Your request was forwarded to our Public Records Manager and you will receive a response shortly.

Regards,  
Luci Bench

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On Jan. 22, 2019:  
To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Date of hire, job descriptions, and qualifications of the following employees whether current or former:

Charles W. Stevenson  
Saeed Sabèr

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Penny Allen

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**KITSAP COUNTY**  
invites applications for the position of:

# **CUSTODY INVESTIGATOR - EXTRA HELP**

**SALARY:** \$22.04 - \$29.55 Hourly  
\$45,843.20 - \$61,464.00 Annually

**OPENING DATE:** 10/19/15

**CLOSING DATE:** 12/31/15 11:59 PM

## **GENERAL STATEMENT:**

Under the direction of the assigned supervisor, this position performs specialized family investigative work for the Superior Court. Investigators are appointed by the Superior Court and are expected to apply specialized knowledge and skills and use independent judgment and initiative to plan, organize and conduct a time-sensitive custody through a variety of methods/resources.

## **Distinguishing Characteristics**

The Custody Investigator is a stand-alone classification and generally works independently, although they may consult with co-workers before writing their final report. The Custody Investigator is generally discharged by the Superior Court following a hearing upon their written report and recommendation.

Supervision usually consists of a statement of desired objectives, discussion of unusual problems and review of results obtained.

## **QUALIFICATIONS FOR PERFORMANCE OF THE ESSENTIAL FUNCTIONS:**

### **Required Education and Experience**

- Bachelor's Degree in criminal justice, social science, health science or behavioral science or a closely related field from a college or university accredited by an agency recognized by the US Department of Education or equivalent, AND
- Experience as a Guardian Ad Litem/CASA worker; OR
- Three years of specifically related child custody/child welfare investigative experience in law enforcement or social services work; OR
- Any equivalent combination of related experience and education which provides the applicant with the desired skills, knowledge and ability required to perform the work.

### **Required Licenses, Certificates, Examinations/Tests and Other Requirements**

*Please note: The incumbent is responsible for obtaining and maintaining all of the following required licenses, certifications and other requirements.*

Prior to employment, the successful candidate must:

May supervise a caseload of adjudicated youthful offenders to assure compliance with Court-ordered obligations, including restitution, community service and/or detention time served, participation in Court-ordered treatment programs and any other conditions of each Judgment and Sentence. Informs clients of Court requirements and facilitates offender in meeting each condition.

May evaluate and screen police reports for prosecutorial merit in deciding which offenders should remain in custody or be released. Completes "in-house" diversion when appropriate, in lieu of filing formal charges and entering into formal Court proceedings.

Prepares case files, sets hearing in a timely manner and notifies parties of their rights and Court process. Assures all legal documents are prepared and filed in a timely manner. Provides counsel with initial discovery and/or may conduct probable cause, detention, and/or arraignment hearings and dispositions. Prepares prosecutorial files and may prosecute misdemeanor cases at trial for those that go to trial. Dictates and prepares all Orders entered by the Court at each hearing, as it relates to each specific assigned case.

Provides counseling to clients and families, including problem-solving and motivating participation in positive activities, assessing skills, problems, physical and mental health, and any other dysfunctions. Refers to appropriate community agency or resource for additional assistance to alter and improve the client's situation.

Compiles, analyzes, and maintains complete, detailed, and accurate records of contact and information obtained relative to each individual case and assessment referral.

Serves as a resource and provides training or work direction to case monitors and volunteers providing support services in juvenile cases.

Responds to inquiries, complaints, emergencies, or requests for information regarding area of assignment from other departments and the general public, providing information within scope of knowledge and authority, or refers to appropriate individual.

Participates in the development, monitoring and evaluation of subcontracted programs and services and in the development and coordination of additional community resources and services for assigned programs. Identifies problem areas in existing programs and recommends improvements. Represents the Court services office in the community, serving on various task forces and other committees as appropriate and acting as liaison with law enforcement agencies, prosecutor's office, schools, and other community resources and agencies.

Performs other related duties as assigned; may be assigned to special projects.

#### **WORKING CONDITIONS:**

The work is performed in an office environment or making client visits. Applicant will be required to work irregular hours and possibly irregular days. On-call responsibility 24 hours per day.

#### **PHYSICAL ACTIVITIES:**

Adequate vision is required to assess living environment. The ability to communicate effectively on the telephone and in-person is required. Exposure to physical hazard may occur occasionally when dealing in highly emotional and stressful situations with clients who may have a potential for violence.

## **KNOWLEDGE & ABILITIES:**

**Knowledge of:** Philosophy and operation of the criminal justice and juvenile justice systems. Techniques and methods of client evaluation, interviewing, diagnosis, and counseling. Casework philosophy, methods and procedures. Individual family and group behavior applicable to the Court services field. Methods and local, state, federal and private program resources and agencies for treatment of dysfunctional families, substance abuse and antisocial behavior.

**Ability to:** Appear for scheduled work and complete assigned tasks within a reasonable period of time. Read, interpret, and apply work related laws, codes, ordinances, and other regulations and guidelines governing work assignments. Effectively evaluate and develop and guide execution of effective plans and programs for the social rehabilitation of juveniles. Conduct effective investigations, analyze findings, and prepare recommendations for the court. Effectively coordinate and utilize available resources and services in connection with a rehabilitation plan. Prioritize and organize work assignments effectively. Communicate detailed information and recommendations effectively, both orally and in writing. Establish and maintain effective working relationships with clients and their families, attorneys, law enforcement personnel, other agencies, co-workers, and the general public. Prepare detailed and summary reports of activities. Provide training and work direction to others. Supervise a heavy case load and cope with interruptions and crisis situations.

## **QUALIFICATIONS:**

Bachelor's degree in criminal justice, social or behavioral sciences, or closely related field, and three years of progressively responsible experience in social work, court services, probation, or counseling, preferably working with juveniles; or any equivalent combination of experience and education which provides the applicant with the desired skills, knowledge and ability required to perform the work.

## **LICENSES, CERTIFICATES & OTHER REQUIREMENTS:**

A criminal background check through law enforcement agencies will be conducted on all successful applicants prior to their being appointed to this position.

Must be able to meet all traveling requirements of the position. If utilizing a personal or County owned vehicle in the performance of County work, must possess and maintain a valid Washington State Driver's License and the appropriate amount of automobile insurance.

Persons filling this position must satisfy the training requirements established by RCW 43.101.220 and the Criminal Justice Training Commission.

06/96; LLF  
CTSRVOF.JOB